

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

September 2, 2014

3:30 P.M. SCHEDULED SESSION

3:32 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Harold Collins, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Lee Harris, Reid Hedgepeth, Myron Lowery and Chairman Jim Strickland. Bill Morrison was absent.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Chaplain Kenneth Brown, Memphis Fire Department Chaplain. Councilman Conrad presented Chaplain Brown with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of August 19, 2014 with the following motion:

(Special Item #1 - Councilman Flinn made a motion to Suspend the Rules and pull Item #9, from MLGW Fiscal Consent Agenda for reconsideration and vote on the minutes for this item separately).

MOTION: Flinn
SECOND: Hedgepeth
AYES: Boyd, Conrad, Flinn, Ford, Hedgepeth, Lowery and Chairman Strickland

NAYS: Brown, Collins, Fullilove, Halbert and Harris
Morrison was absent

APPROVED

MINUTES MAIN MOTION: Ford
SECOND: Hedgepeth
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Hedgepeth,
Lowery and Chairman Strickland
NAY: Halbert
Fullilove abstained
Harris did not cast a vote
Morrison was absent

APPROVED, as amended, Item #9 was pulled from the Minutes

(Special Item#2 was set up for Item #9)

Chairman Strickland recognized the following people who spoke from the audience:

Nick Newman, 3056 Ward, Millington, Tennessee 38053

Courtney L. Talley, 6662 Running Bird Cove, Bartlett, Tennessee 38002

Jim Cassidy, 4339 High Ridge Road, Memphis, Tennessee 38135

Ben Bennett, 9920 Greenalder Cove, North, Cordova, Tennessee 38016

(Special Item#3- Councilman Lowery made a motion to Send Item #9 Back to Committee for September 16, 2014).

MOTION: Lowery
SECOND: Ford
AYES: Conrad, Flinn, Ford, Hedgepeth, Lowery and Chairman Strickland
NAYS: Boyd, Brown, Collins, Fullilove, Halbert and Harris
Morrison was absent

FAILED

(After a discussion of Item#9, Councilman Brown made a motion to end the discussion and called for the question- **Special Item #4)**

MOTION: Brown
SECOND: Collins
AYES: Brown, Collins, Fullilove, Halbert and Harris
NAYS: Boyd, Conrad, Flinn, Ford, Hedgepeth, Lowery and Chairman Strickland
Morrison was absent

FAILED

(After further discussion of Item#9, Councilman Boyd made a motion to Send Item#9 Back to Committee for September 16, 2014 – Special Item #5)

MOTION: Boyd
SECOND: Conrad
AYES: Boyd, Conrad, Flinn, Ford, Hedgepeth, Lowery and Chairman Strickland
NAYS: Brown, Collins, Fullilove, Halbert and Harris
Morrison was absent

APPROVED

21. **ORDINANCE TO AMEND CHAPTER 21 – MOTOR VEHICLES AND TRAFFIC – ARTICLE III OPERATION OF MOTOR VEHICLES GENERALLY, SECTION 21-123, PROCEDURE UPON APPROACH OF AUTHORIZED EMERGENCY VEHICLE TO MIRROR THE UPDATED TENN. CODE ANN §55-8-132, OPERATION OF VEHICLES AND STRETCARS ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES TO CLARIFY THAT EXTRA CAUTION AROUND SOLID WASTE VEHICLES IS INCLUDED WITHIN THE REQUIREMENTS, UP FOR T H I R D AND F I N A L READING. (HELD FROM 7/15; 8/5)**

Ordinance No. 5555

Held until October 7, 2014

22. **ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, CHAPTER 15, TO INCREASE CERTAIN FEES AND MODIFY CERTAIN SECTIONS RELATING TO THE PROPER DISPOSAL OF TIRES AND THE REGISTRATION OF CERTAIN TIRE BUSINESSES AND TIRE HAULERS WITHIN THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5558

Held until September 16, 2014

31. **RESOLUTION TO CREATE A RETIREE HEALTHCARE FUND TO BE FUNDED IN AN INITIAL AMOUNT OF \$2,000,000.00 FOR A PERIOD OF ONE YEAR AS A “SAFETY NET” FOR CERTAIN RETIREES AND THE ADMINISTRATION IS TO PRESENT TO THE COUNCIL WITHIN SIXTY DAYS, RULES AND REGULATIONS REGARDING THE ELIGIBILITY FOR ASSISTANCE FROM THIS FUND FOR ADOPTION BY THE COUNCIL. (HELD FROM 7/15; 8/5)**

Held until September 16, 2014

1. **RESOLUTION CONGRATULATING REV. ERIC DONALDSON ON EARNING THE TITLE OF TOASTMASTERS WORLD CHAMPIONSHIP OF PUBLIC SPEAKING.**

MOTION: Lowery
SECOND: Halbert

APPROVED, unanimous voice vote

CONSENT AGENDA – Items 3 - 8 may be acted upon by one motion: SEE PAGE 3062 FOR ROLL CALL

3. **ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, CHAPTER 25, ARTICLE III, SECTION 25-31 (B) REGARDING INVESTMENT OF TRUST FUND, UP FOR S E C O N D READING.**

Ordinance No. 5563

APPROVED, on Second reading

4. **ORDINANCE AMENDING THE BUILDING CODE TO SUSPEND THE REQUIREMENTS OF THE 2012 EDITION OF THE ICC INTERNATIONAL RESIDENTIAL CODE RELATING TO SEISMIC DESIGN AND CONSTRUCTION ELEMENTS, WHILE A STUDY COMMITTEE REVIEWS AND RECOMMENDS ANY CHANGES, UP FOR S E C O N D READING.**

Ordinance No. 5564

APPROVED, on Second reading

5. **ORDINANCE REZONING THE NORTHWEST CORNER OF MACON ROAD AND DEXTER LANE, CONTAINING 4.21 ACRES IN THE SINGLE FAMILY RESIDENTIAL-6 (R-6) DISTRICT, UP FOR F I R S T READING.**

Case No. Z 14-102

Ordinance No. 5565

APPROVED, on First reading

6. **RESOLUTION APPROVING FINAL PLAT OF LOONEY AVENUE DEDICATION AND IMPROVEMENT.**

Case No. SD 13-702

Contract No. CR-5216

Resolution approves the final plat located on the west side of N. Main Street, between Keel Avenue and Saffarans Avenue. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

APPROVED

7. **RESOLUTION ACCEPTING GALLERIA OF MEMPHIS P.D., PHASE 3 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 90-315

(Contract No. CR-4812)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Germantown Parkway, north of Dexter Road. The standard improvement contract was approved on August 5, 2003. Resolution also authorizes the release of the performance bond in the amount of \$1,204,000.00.

City Engineer recommends approval

APPROVED

8. RESOLUTION ACCEPTING SCS BUS BARN SEWER EXTENSION AND AUTHORIZING RELEASE OF BOND.

(Contract No. CR-5166)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the terminus of Grays Creek Drive, south of U.S. Highway 64. The standard improvement contract was approved on November 9, 2010. Resolution also authorizes the release of the performance bond in the amount of \$288,500.00.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Ford
SECOND: Conrad
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Harris, Hedgepeth and Chairman Strickland
Halbert abstained
Fullilove and Lowery did not cast a vote
Morrison was absent

APPROVED

FISCAL CONSENT

9. RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$5,000.00 FROM THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (ASPCA), AWARDED TO THE DIVISION OF PARKS AND NEIGHBORHOODS, MEMPHIS ANIMAL SERVICES TO FUND PARTICIPATION IN THE ASPCA 2014 MEGA MATCH-A-THON NATIONWIDE SHELTER PET ADOPTION EVENT.

ROLL CALL FISCAL CONSENT ITEM

MOTION: Lowery
SECOND: Boyd
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Harris, Hedgepeth, Lowery

and Chairman Strickland
Halbert abstained
Fullilove did not cast a vote
Morrison was absent

APPROVED

MLGW FISCAL CONSENT – Items 10 - 19 may be acted upon by one motion:

10. **RESOLUTION AWARDDING CONTRACT NO. 11699, LARGE DIAMETER DIRECTIONAL DRILLING, TO MEMPHIS ROAD BORING COMPANY, INCORPORATED, IN THE FUNDED AMOUNT OF \$778,000.00.**

APPROVED

11. **RESOLUTION APPROVING CHANGE NO. 17 TO CONTRACT NO. 10569, INTERACTIVE VOICE RESPONSE SYSTEM, WITH AVAYA, INCORPORATED, FORMERLY NORTTEL NETWORKS, INCORPORATED, IN THE FUNDED AMOUNT OF \$138,304.14. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR ANNUAL SOFTWARE AND HARDWARE MAINTENANCE, LICENSES AND SUPPORT SERVICES FOR A THREE YEAR PERIOD, COVERING THE PERIOD JULY 17, 2014 THROUGH JULY 16, 2017, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR. MLGW IS REQUESTING CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM, WHICH CAN ONLY BE PERFORMED BY AVAYA, INCORPORATED.**

APPROVED

12. **RESOLUTION APPROVING PAYMENT OF THE ANNUAL FACILITY MAINTENANCE FEE FOR PUBLIC WATER SYSTEMS, TO TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, IN THE AMOUNT OF \$124,017.95.**

APPROVED

13. **RESOLUTION AWARDDING CONTRACT NO. 11566, REPLACEMENT OF DISTRIBUTED PROCESS CONTROL (DPC) SYSTEM AT THE SHAW WATER PUMPING STATION, TO ALLEN & HOSHALL, IN THE FUNDED AMOUNT OF \$175,400.00.**

APPROVED

14. **RESOLUTION APPROVING REVISIONS TO THE MEMPHIS LIGHT, GAS AND WATER DIVISION STATEMENT OF INVESTMENT AND CASH MANAGEMENT POLICY.**

APPROVED

15. RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 10546, LAPRES SOFTWARE MAINTENANCE AGREEMENT, WITH XL PRINT USA, LLC, IN THE FUNDED AMOUNT OF \$19,278.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR A TWO YEAR TERM FOR THE PARIS DESIGNER AND SPOOLER SOFTWARE COVERING THE PERIOD SEPTEMBER 1, 2014 THROUGH AUGUST 31, 2016, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR. MLGW IS REQUESTING CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM, WHICH CAN ONLY BE PERFORMED BY XL PRINT USA, LLC.

APPROVED

16. RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11050, TAPE REPORTING TOOL, WITH 21ST CENTURY SOFTWARE, INCORPORATED, FORMERLY KNOWN AS ESTORIAN, INCORPORATED, IN THE FUNDED AMOUNT OF \$20,600.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR A TWO YEAR PERIOD COVERING NOVEMBER 1, 2014 THROUGH OCTOBER 31, 2016, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR. MLGW IS REQUESTING CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM, WHICH CAN ONLY BE PERFORMED BY 21ST CENTURY SOFTWARE, INCORPORATED.)

APPROVED

17. RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 10346, DATABASE NAVIGATION EDITOR SOFTWARE PRODUCT, WITH ALLEN SYSTEM GROUP, INCORPORATED (ASG) FORMERLY NORTEL NETWORKS, INCORPORATED, IN THE FUNDED AMOUNT OF \$9,197.69. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR ANNUAL SOFTWARE MAINTENANCE, LICENSES AND SUPPORT SERVICES COVERING THE PERIOD JULY 1, 2014 THROUGH JUNE 30, 2015, WITH NO INCREASE FROM THE PREVIOUS YEAR. MLGW IS REQUESTING CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM, WHICH CAN ONLY BE PERFORMED BY ALLEN SYSTEM GROUP, INCORPORATED.)

APPROVED

18. RESOLUTION APPROVING PAYMENT OF \$175,000 TO COVER THE SERVICES RENDERED BY THE GREATER MEMPHIS CHAMBER TO FACILITATE ECONOMIC AND COMMUNITY DEVELOPMENT IN MEMPHIS AND SHELBY COUNTY FOR THE PERIOD SEPTEMBER 1, 2014 THROUGH AUGUST 31, 2015.

APPROVED

19. **RESOLUTION REQUESTING THE APPROVAL OF TVA CONTRACT NO. 8640 BETWEEN MLGW AND TVA TO SUPPORT INDUSTRIAL RECRUITMENT, DEVELOPMENT AND EXPANSION OF BUSINESS AND INDUSTRY IN THE MEMPHIS/SHELBY COUNTY AREA. MLGW WILL PAY THE GREATER MEMPHIS CHAMBER \$80,000.00 AND TVA WILL REIMBURSE MLGW \$40,000.00.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Lowery
SECOND: Ford
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Hedgepeth, Lowery and Chairman Strickland
Halbert abstained
Fullilove and Harris did not cast a vote
Morrison was absent

APPROVED

20. **APPOINTMENTS**

MEMPHIS STORMWATER BOARD

APPOINTMENT

IAN ENGSTROM

MINORITY BUSINESS DEVELOPMENT AND OVERSIGHT COMMITTEE

APPOINTMENT

PATRICK "TREY" CARTER III

MOTION: Flinn
SECOND: Ford
AYES: Brown, Collins, Conrad, Flinn, Ford, Harris, Hedgepeth, Lowery and Chairman Strickland
Boyd, Fullilove and Halbert did not cast a vote
Morrison was absent

APPROVED

23. **ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, CHAPTER 21-VEHICLES AND TRAFFIC, TO CLARIFY REGULATIONS OF MOTOR VEHICLE WINDOW TINT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5559

MOTION: Conrad
SECOND: Ford
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Harris, Hedgepeth, Lowery and
Chairman Strickland
Fullilove and Halbert did not cast a vote
Morrison was absent

APPROVED

24. **ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, TITLE 11, CHAPTER 16 – VEHICLES AND TRAFFIC, TO AUGMENT REGULATIONS OF DRIVING RULES IN THE PRESENCE OF AUTHORIZED EMERGENCY VEHICLES, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5560

MOTION: Conrad
SECOND: Boyd
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Harris, Hedgepeth, Lowery and
Chairman Strickland
Fullilove and Halbert did not cast a vote
Morrison was absent

APPROVED

25. **ORDINANCE TO AMEND THE PROVISIONS OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, TITLE 6 – BUSINESS LICENSES AND REGULATIONS, CHAPTER 6-44 – LIMOUSINE, SHUTTLE AND OTHER VEHICLES FOR HIRE AND ARTICLE 2 – CERTIFICATE OF PUBLIC CONVENIENCE, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5561

Chairman Strickland recognized the following person who spoke from the audience:
Tommie Cervetti, 295 Leonara Drive, Memphis, Tennessee 38117

MOTION: Hedgepeth
SECOND: Boyd
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Halbert, Harris, Hedgepeth, Lowery
and Chairman Strickland
Fullilove did not cast a vote
Morrison was absent

APPROVED

26. **RESOLUTION APPROPRIATING \$375,000.00 IN OTHER PROJECT COST, FUNDED BY G.O. BONDS GENERAL TO CONTINUE THE IMPLEMENTATION OF THE URBAN ART PLAN, CIP PROJECT NUMBER EN01003, CHARGEABLE TO THE FY2015 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Hedgepeth

SECOND: Boyd

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Halbert, Harris, Hedgepeth, Lowery and Chairman Strickland
Fullilove did not cast a vote
Morrison was absent

APPROVED

27. **RESOLUTION APPROPRIATING \$500,000.00 IN G.O. BONDS GENERAL TO IMPLEMENT ENTERPRISE ASSET MANAGEMENT SYSTEM, CIP PROJECT NUMBER IS01068.**

MOTION: Halbert

SECOND: Flinn

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Halbert, Harris, Hedgepeth, Lowery and Chairman Strickland
Fullilove did not cast a vote
Morrison was absent

APPROVED

28. **RESOLUTION APPROPRIATING \$1,500,000.00 IN G.O. BONDS GENERAL TO REPLACE OBSOLETE EQUIPMENT, CIP PROJECT NUMBER IS01007.**

MOTION: Halbert

SECOND: Boyd

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Halbert, Harris, Hedgepeth, Lowery and Chairman Strickland
Fullilove did not cast a vote
Morrison was absent

APPROVED

29. **RESOLUTION ACCEPTING AND APPROPRIATING \$248,323.06 IN GRANT FUNDS FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR WOLF RIVER GREENWAY PHASE 5A.**

MOTION: Hedgepeth

SECOND: Ford

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Halbert, Harris, Hedgepeth, Lowery

and Chairman Strickland
Fullilove did not cast a vote
Morrison was absent

APPROVED

30. **RESOLUTION TRANSFERRING FUNDS IN THE AMOUNT OF \$270,000.00 FUNDED BY G.O. BONDS GENERAL, PROJECT NUMBER PW01040 FOR THE PURCHASE OF TWO SPECIALIZED PRO PATCH TRUCKS IN ORDER TO ADDRESS AN INCREASED NEED TO INCREASE PRODUCTIVITY AND EFFICIENCY WITH REGARDS TO STREET REPAIRS.**

MOTION: Hedgepeth
SECOND: Ford
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Halbert, Harris, Hedgepeth, Lowery and Chairman Strickland
Fullilove did not cast a vote
Morrison was absent

APPROVED

32. **RESOLUTION EXTENDING THE MORATORIUM ON THE ISSUANCE OF SIDEWALK NOTICES TO PROPERTY OWNERS FOR DAMAGED SIDEWALKS UNTIL JANUARY 6, 2015.**

MOTION: Hedgepeth
SECOND: Boyd
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Halbert, Harris, Hedgepeth and Lowery
NAY: Chairman Strickland
Fullilove did not cast a vote
Morrison was absent

APPROVED

33. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$181,879.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE ADULT PROGRAM.**

MOTION: Halbert
SECOND: Boyd
AYES: Boyd, Brown, Collins, Conrad, Flinn, Halbert, Harris and Lowery
Ford, Fullilove, Hedgepeth and Chairman Strickland did not cast a vote
Morrison was absent

APPROVED

34. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$430,456.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE DISLOCATED WORKER PROGRAM.**

MOTION: Halbert
SECOND: Boyd
AYES: Brown, Collins, Conrad, Flinn, Halbert, Harris and Lowery
Boyd, Ford, Fullilove, Hedgepeth and Chairman Strickland did not cast a vote
Morrison was absent

APPROVED

(Councilman Lowery made a motion to approve Same Night Minutes for Item #19, #32, #33 and #34 – Special Item #6)

MOTION: Lowery
SECOND: Collins
AYES: Brown, Collins, Flinn, Halbert, Harris, Lowery and Chairman Strickland
Boyd, Conrad, Ford, Fullilove and Hedgepeth did not cast a vote
Morrison was absent

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Strickland recognized the following people who spoke from the audience:

John M. Thron, 5225 Princeton Road, Memphis, Tennessee 38120
Fran Triplett, 3616 North Wood Drive, Memphis, Tennessee 38111
Sherrie Hopper, 6898 Alder Wood Drive, South, Millington, Tennessee 38053
Heather Pfeil, 1545 Riverdale Road, Memphis, Tennessee 38138
Joshua Hopper, 6898 Alder Wood Drive, South, Millington, Tennessee 38053
Walter Broady, III, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 5:32 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

CHAIRMAN

Attest:

Deputy Comptroller/Council Records